

# State of South Dakota

EIGHTY-FOURTH SESSION  
LEGISLATIVE ASSEMBLY, 2009

564Q0142

## HOUSE BILL NO. 1020

Introduced by: The Committee on State Affairs at the request of the Office of the Secretary  
of State

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding campaign finance  
2 requirements.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 12-27-22 be amended to read as follows:

5 12-27-22. A campaign finance disclosure statement shall be filed with the secretary of state  
6 by the treasurer of every:

7 (1) Candidate or candidate campaign committee for any statewide or legislative office;

8 (2) Political action committee;

9 (3) Political party; and

10 (4) Ballot question committee.

11 The statement shall be signed and filed by the treasurer of the political committee or  
12 political party. The statement shall be received by the secretary of state and filed by 5:00 p.m.  
13 each February first and shall cover the contributions and expenditures for the preceding calendar  
14 year. ~~However, no statement is required to be filed by a candidate campaign committee for~~  
15 ~~legislative or county office on February first following a year in which there is not an election.~~



1 ~~A~~ The statement shall also be received by the secretary of state and filed by 5:00 p.m. on the  
2 second Friday prior to each primary and general election complete through the fifteenth day  
3 prior to that election. ~~No county, local, or auxiliary committee of any political party qualified~~  
4 ~~to participate in a primary or general election is required to file a campaign finance disclosure~~  
5 ~~statement prior to a statewide primary election. No candidate without opposition in a primary~~  
6 ~~election is required to file a campaign finance disclosure statement prior to a primary election.~~  
7 Any statement filed pursuant to this section shall be consecutive and shall cover contributions  
8 and expenditures since the last statement filed. ~~A political committee that regularly files a~~  
9 ~~campaign finance disclosure statement with the Federal Election Commission or a report of~~  
10 ~~contributions and expenditures with the Internal Revenue Service is not required to file a~~  
11 ~~campaign finance disclosure statement.~~

12 The following are not required to file a campaign finance disclosure statement:

- 13 (1) A candidate campaign committee for legislative or county office on February first  
14 following a year in which there is not an election for the office;
- 15 (2) A county, local, or auxiliary committee of any political party, qualified to participate  
16 in a primary or general election, prior to a statewide primary election;
- 17 (3) A candidate campaign committee without opposition in a primary election, prior to  
18 a primary election;
- 19 (4) A ballot question committee prior to a primary election unless the committee is  
20 involved in a ballot question voted on at the primary;
- 21 (5) A candidate campaign committee whose name is not on the general election ballot,  
22 prior to the general election; and
- 23 (6) A political committee that regularly files a campaign finance disclosure statement  
24 with the Federal Election Commission or a report of contributions and expenditures

1           with the Internal Revenue Service.

2           A violation of this section is a Class 1 misdemeanor.

3           Section 2. That § 12-27-29.1 be amended to read as follows:

4           12-27-29.1. In addition to any other penalty or relief provided under this chapter, the  
5           secretary of state, after notice and opportunity for hearing pursuant to chapter 1-26, may impose  
6           an administrative penalty for the failure to timely file any statement, amendment, or correction  
7           required to be filed by this chapter. The administrative penalty is fifty dollars per day for each  
8           violation not to exceed three thousand dollars. However, if the violation is made by a county  
9           political party or auxiliary, the administrative penalty is ten dollars per day for each violation  
10          not to exceed six hundred dollars. Any administrative penalty collected pursuant to this section  
11          shall be deposited in the state general fund.

12          Section 3. That § 12-27-1 be amended by adding thereto a NEW SUBDIVISION to read as  
13          follows:

14          "Treasury funds," funds of an organization that were not raised or collected from any other  
15          source for the purpose of influencing a ballot question;